IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD
(SPECIAL ORIGINAL JURISDICTION)

FRIDAY THE TWENTY THIRD DAY OF JANUARY
TWO THOUSAND AND FOUR
: PRESENT:
THE HON`BLE **MR. DEVINDER GUPTA, CHIEF JUSTICE**
AND
THE HON`BLE MS. JUSTICE: **G. ROHINI**

W.P. No. 387 of 2004

Between:
S. Raju, Advocate, S/o. Abraham, R/o. 16-2-839/1, Bakarbagh, Saidabad, Hyderabad.

Petitioner

AND

1. The Government of A.P., Dept. of Medical, Health & Family Welfare, rep. by its Principal Secretary, Secretariat Buildings, Hyderabad.
2. The Director of Medical Education, Government of A.P., Koti, Hyderabad.
3. The N.T.R. University of Medical & Health Sciences, rep. by its Registrar, Vijayawada.
4. The Andhra Pradesh Junior Doctors Association, Joint Action Committee (State), Rep. by its Chair Person Dr. Sridhar Reddy, Gandhi Medical College Hostel, Koti, Hyderabad.

Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein, the High Court will be pleased to pass an order or direction especially one in the nature of Writ of Mandamus declaring the on-going strike organized by the 4th respondent association and its members as illegal and alternatively direct the respondents 1 to 3 to pass appropriate orders prohibiting the on-going strike organized by the 4th respondent and its members U/s. 3 of the A.P. Essential Service Maintenance Act, 1971.

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support thereof and the orders of the High Court dated.09-01-2004 & 21-01-2004 and made herein and upon hearing the arguments of Mr. Srinivasa Rao Pachwa, Advocate for the Petitioner and of G.P. for Medical & Health, on behalf of the Respondents 1 & 2 and of Smt. P. Padmavathi, S.C. for NTR University, on behalf of the Respondent No. 3 and of Mr. A.Satya Prasad, Advocate on behalf of the Respondent No. 4.

The Court made the following **ORDER:**

" Pursuant to our last suggestions which we made after we heard counsel for the parties on merits of the petition, learned counsel for the Junior Doctors' Association have come forward with suggestions as regards the constitution of Committee.

After we heard them for sometime, we made it clear to the fourth respondent that we will proceed to constitute a Committee only in case fourth respondent will give an undertaking to the court for calling off the

strike unconditionally. To our suggestion, learned counsel for Respondent No.4, on instructions received, states that respondent No. 4-Association will forthwith withdraw the ongoing agitation and will resume their respective work unconditionally and prays that appropriate orders be passed constituting a Committee comprising of five members with one of their representatives and the Committee to be headed by a retired Judge. Learned counsel for Respondent No. 4 agrees with some of the names suggested by the first respondent.

We will adjourn the case to 27-1-2004 for formally constituting a Committee after ensuring that agitation has been called off and since there has been happy ending to the prolonged agitation we will impress upon the first respondent not to take coercive steps till the Committee submits a report to the Government for taking appropriate decision."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The Principal Secretary, Dept. of Medical, Health & Family Welfare, Government of A.P., Secretariat Buildings, Hyderabad. (**By Spl. Messenger**)
2. The Director of Medical Education, Government of A.P., Koti, Hyderabad. (**By Spl. Messenger**)
3. The Registrar, N.T.R. University of Medical & Health Sciences, Vijayawada, Krishna District. (**By Speed Post**)
4. Dr. Sridhar Reddy, Chair Person, The Andhra Pradesh Junior Doctors Association, Joint Action Committee (State), Gandhi Medical College Hostel, Koti, Hyderabad. (**By Spl. Messenger**)
5. Two CCs to G.P. for Medical & Health, High Court of A.P., Hyd(OUT)
6. One CC to Mr. A.Satya Prasad, Advocate (OPUC)
7. Two spare copies.

SAH

HIGH COURT

Ksv
Date of drafting: 09-01-2004

HCJ
&
RGJ

DATE: 09-01-2004

NOTE: LIST ON 20-01-2004

ORDER

WP. NO. 387 of 2004

DIRECTION